

Notice of Allowability

Application No.

10/623,421

Examiner

Tramar Harper

Applicant(s)

HUGHS-BAIRD ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/26/06.
2. ☒ The allowed claim(s) is/are 1-3, 5-12, 14-24, 26-35 and 37-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Adam H. Masia on October 23, 2006.

The application has been amended as follows:

In the Claims:

Claim 1:

- line 4, replace "first selections adapted to be" with – first selections –
- line 6, replace "award indicator adapted to be" with – award indicator –
- line 9, replace "award indicator adapted to be" with – award indicator –
- line 12-13, replace ",at least in part, by a value associated with at least one of the first selections which is picked." with – by at least one of the picked first selections associated with a pick value indicator. –

Claim 10:

- line 4, replace "first selections adapted to be" with – first selections –
- line 6, replace "award indicator adapted to be" with – award indicator –
- line 8, replace "second selections adapted to be" with – second selections –

- line 11, replace "award indicator adapted to be" with
– award indicator –
- lines 14-15, replace ",at least in part, by a value associated with at least one of the second selections which is picked." with – by at least one of the picked second selections associated with a pick value indicator. –

Claim 20:

- lines 9-10, replace ",at least in part, by a value associated with at least one of the first selections which is picked." with – by at least one of the picked first selections associated with a pick value indicator. –

Claim 33:

- lines 9-10, replace ",at least in part, by a value associated with at least one of the second selections which is picked." with – by at least one of the picked second selections associated with a pick value indicator. –

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Patentability seen in, although not limited to independent Claims 1, 10, 20, & 33: the combination of elements of a gaming device comprising of a game operable upon a wager; a display device; a first selection group including a plurality of first selections, a second selection group including a plurality of second selections, and a third selection group including a plurality of third selections displayed on a display device; a award indicator displayed after at least one of the first, second, and third selections is picked; a number of second

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selection picks determined by at least one of the picked first selections associated with a pick value indicator; and a number of third selection picks determined by at least one of the picked second selections associated with a pick value indicator. The closest prior art of record does not teach or fairly suggest the claimed features in combination.

Kaminkow (US 6,511,375) discloses a gaming device playable upon a wager that comprises of a plurality of selection groups, each group having a selectable elements; an award indicator displayed after each element is picked; and at least one group of selectable elements proceeds another group of selectable elements. However, Kaminkow does not disclose a determining the available picks in a proceeding group of selectable elements by a pick value indicator associated with at least one picked element within the preceding group of selectable elements.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The US Patent of Brossard (6,364,767) discloses the use of related selection groups. **The US Patents of Baerlocher (6,464,582 & 6,688,977), Kaminkow (6,602,137 & 6,511,375), Hughs-Baird (6,749,504), and the US Pre-Publication of**

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Cuddy (2003/0060254) teach similar structured gaming devices with selection groups.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH

10/23/06
JOHN M. HOTALING, II
PRIMARY EXAMINER